

After reviewing the record and considering the arguments of the parties, the Appeals Board finds the claimant has a 34.5 percent permanent partial work disability and the findings by the Administrative Law Judge should be affirmed.

Claimant developed back pain after respondent transferred her to housekeeping duties as a part of a reduction in force in February 1993. Claimant continued working until her layoff April 13, 1993. A herniated disc was confirmed by CT scan on April 26, 1993 and respondent referred claimant to Dr. Stein to determine whether surgery should be done. Dr. Stein concluded surgery was not indicated.

Dr. Jeanette C. Salone and Dr. Ernest R. Schlachter testified. Both gave functional impairment ratings and recommended restrictions. From these restrictions, Jerry Hardin and Karen Terrill testified to their opinions regarding the effect of the injury on claimant's ability to earn a comparable wage and to obtain employment in the open labor market. The Administrative Law Judge gave equal weight to the opinions of both vocational experts to arrive at her conclusion that the claimant has a 34.5 percent work disability. The Appeals Board agrees with the Award as amended by the Nunc Pro Tunc dated September 19, 1995 and hereby adopts as it own the findings of fact and conclusions of law stated in the Award of the Administrative Law Judge.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Shannon S. Krysl, dated September 8, 1995 amended by Nunc Pro Tunc dated September 19, 1995 should be, and hereby is, affirmed:

AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR of the claimant, Clara Cross, and against the respondent, The Boeing Company-Wichita, and its insurance carrier, Aetna Casualty & Surety, for an accidental injury of April 13, 1993 and based upon an average weekly wage of \$947.12, for 57 weeks of temporary total disability compensation at the rate of \$299.00 per week or \$17,043.00, followed by 358 weeks at the rate of \$217.85 per week or \$77,990.30 for a 34.5% permanent partial general body impairment of function, making a total award of \$95,033.30.

As of March 29, 1996, there is due and owing claimant 57 weeks of temporary total disability compensation at the rate of \$299.00 per week or \$17,043.00, followed by 97.43 weeks of permanent partial disability compensation at the rate of \$217.85 per week in the sum of \$21,225.13, for a total of \$38,268.13 which is ordered paid in one lump sum less any amounts previously paid. The remaining balance of \$56,765.17 is to be paid for 260.57 weeks at the rate of \$217.85 per week, until fully paid or further order of the Director.

The Appeals Board adopts all other orders by the Administrative Law Judge.

IT IS SO ORDERED.

Dated this ____ day of March 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Robert R. Lee, Wichita, KS
Vaughn Burkholder, Wichita, KS
Andrew E. Busch, Wichita, KS
Shannon S. Krysl, Administrative Law Judge
Philip S. Harness, Director